

Present: Council President Downey; President Pro-Tem Domzal; Members: Mooney, Pfeifer, Schmitt, Stearn and Woodrow

Absent: None

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Assistant to the Manager, Pasieka
Director of Public Safety, Woodard

President Downey called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

ADDITIONS TO AGENDA – APPROVE AGENDA

Motion by Mooney, seconded by Pfeifer, to approve the agenda as published.

Motion passed (7 – 0).

PUBLIC HEARING – 2002 SPECIAL ASSESSMENT ROLL FOR SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT

The Village maintains the public right-of-way along the Southfield Road business district and assesses the cost of landscaping maintenance and water for the sprinkling system to the property owners on the west side of Southfield Road. A public hearing was declared open at 7:32 p.m. on the costs assessed to business owners for this maintenance.

No one wished to be heard; therefore, the public hearing was closed at 7:33 p.m.

PUBLIC COMMENTS – CONSENT AGENDA AND ITEMS NOT ON THE BUSINESS AGENDA

Stearn made a motion to prohibit any public comments regarding sidewalks this evening. The motion failed for lack of support.

Residents stepped forward to present their opinions and concerns regarding the March 10 millage proposal to finance new sidewalks on major roads in accordance with the adopted Pathways Plan. A few residents introduced supporting material to advocate their position.

The following individuals voiced support of the sidewalk initiative.

Dennis Page	30470 Lincolnshire East
Paul Kleppert	20855 W. 14 Mile Road
Jeff Pynnonen	31724 Allerton
Ann Kleppert	20855 W. 14 Mile Road
George Meyer	22542 Fiddlers Cove

The residents listed expressed concerns with the program to construct sidewalks on major roads and spoke in opposition of the ballot proposal.

Rosemary McLennan	19977 Sunnyslope
Karen Watts	21655 W. 13 Mile Road
Sue Plummer	21300 W. 13 Mile Road
Bunker Kelly	21526 Corsaut Lane
Leanne Toth	21605 W. 13 Mile Road
Bob Walsh	20655 Smallwood Court

For information on the sidewalk proposal prepared by the Committee 4 Sidewalks, residents can go to the web site www.4sidewalks.org. The group working to defeat the sidewalk millage proposal is called “Citizens for Accountable Government”. Those interested in helping in this effort can call Nanci Freedman at 248.644.7643.

Sharon Tischler of 21415 Virmar Court requested an update with regard to the right hand turn lane eastbound in front of Detroit Country Day School. She was asked to direct her question to administration. Inquiries about two bills on the list of invoices before Council for approval were addressed by Council.

CONSENT AGENDA

Motion by Pfeifer, seconded by Mooney, to approve the Consent Agenda as follows:

- a. Review and consider minutes of a special Council meeting held on January 27, 2003.
- b. Review and consider minutes of a regular Council meeting held on February 3, 2003.
- c. Review and file bills recapped as of Monday, February 10, 2003.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER THE 2002 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT

Motion by Woodrow, seconded by Schmitt.

Resolved that the 2002 maintenance cost for the Southfield Road Business District was \$3,765 and the 2002 water cost for the sprinkling system for the Southfield Road Business District was \$7,896.40; therefore, be it resolved that the Village of Beverly Hills Council confirm the Village Business District Assessment Roll for Southfield Road maintenance for the 2002 season in the amount of \$11,661.40 as follows:

Beverly Hills Racquet Club	\$2,959.24
Bed, Bath & Beyond	927.89
Beverly Hills Grill	387.21
Petix	679.37
Emile’s	1,342.62
Taco Bell	803.04
31333 Building	901.66
Beverly Venture	2,386.84
Vic’s Fruit Market	1,273.53

Domzal asked whether business owners have been approached about upgrading the landscaping on their property. Administration informed Council that the owners of the Amoco service station began landscaping improvements late last fall. The Beverly Hills Club replaced the shrubbery on the right-of-way in front of its site last year, and a couple of other businesses have indicated that they are interested in making improvements. It was noted that the Planning Board will be looking at site improvements in the business district as part of its upcoming Southfield Road Corridor study.

Roll Call Vote:
Motion passed (7 – 0).

REVIEW AND CONSIDER RECOMMENDATION TO FILL VACANCY ON RETIREMENT BOARD

Downey stated that the Village has received one application after making a number of announcements of a vacancy on the Retirement Board. Downey provided information on the candidate's qualifications and recommended that Council consider approving the appointment of Donald C. O'Connell of 20900 Smallwood to the citizen position on the Retirement Board. The term of the seat to be filled will expire in June of this year. The Village Manager suggested that Council could extend the appointment to a term ending June 30, 2006.

Motion by Domzal, seconded by Woodrow, to appoint Donald C. O'Connell to fill the vacancy on the Village Retirement Board for a term to expire on June 30, 2006.

Stearn, who served on the Retirement Board for the last two years, commented on the importance of this position. The Pension Board helps manage the \$11 million Public Safety Officers' Retirement System. The former Board chairperson and the one before him were seasoned analysts and financial planners. Stearn questioned whether Council should seek additional applicants before making a decision on this position.

Domzal mentioned that the liaison has often interviewed candidates for board appointments in the past and has some familiarity with the candidate's credentials and background. He agreed that this is an important appointment and suggested that Stearn and any other member of Council should take the opportunity to speak with the candidate and form an opinion for consideration of this appointment at the next meeting.

It was noted that the Retirement Board consists of five trustees. A citizen member of the Board is to be appointed by the Village President with the consent of Council. The other members consist of the President of the Village, a Council member selected by Council, and two Public Safety Officers to be elected by the Public Safety Officers.

Bob Walsh of 20655 Smallwood Court expressed the view that the chairperson of the Retirement Board should be well versed in the financial markets. He does not think that the Village Ordinance permits the appointment of a trustee beyond a term of three years.

Motion by Domzal, seconded by Mooney, to table the appointment to the Retirement Board until the next meeting to provide an opportunity for Council members to interview the candidate.

Roll Call Vote:

Downey	- no
Mooney	- yes
Pfeifer	- yes
Schmitt	- yes
Stearn	- yes
Domzal	- yes

Motion passed (6 – 1).

REVIEW AND CONSIDER RESOLUTION REGARDING REISSUE OF COUNTY BOND FOR 1995 ACACIA DRAIN PROJECT

Woodrow stated that the purpose of the resolution before Council is to authorize the Village to refund County issued Acacia Park CSO Drainage District Drain Bonds and reissue them at a lower interest rate to receive substantial savings.

Motion by Woodrow, seconded by Stearn, to adopt a Resolution to Authorize Refunding of County Bonds for Acacia Drain Project.

The Resolution in its entirety is available for public review at the Village office.

The Village Manager will provide information to Council on the balance of the bonds and on transactional costs.

Roll Call Vote:

Motion passed (7 – 0).

SECOND ANNOUNCEMENT OF VACANCY ON THE PLANNING BOARD

Schmitt made the second announcement of a vacancy on the Planning Board. Applications will be accepted until close of business on Thursday, February 27, 2003. A subcommittee will meet on March 3 at 7:00 p.m. to review applications and recommend a candidate for appointment by Council. The composition of that subcommittee has yet to be determined.

REVIEW AND CONSIDER RESOLUTION AUTHORIZING PUBLIC SERVICE DIRECTOR AS SIGNER FOR MDEQ PERMIT REQUIREMENTS

Pfeifer stated that the Michigan Department of Environmental Quality (MDEQ) and the Environmental Protection Agency (EPA) are requiring the Village Council to adopt a resolution formally authorizing a member of administration to sign occasional applications for National Pollutants Discharge Elimination Systems (NPDES) permits.

Motion by Pfeifer, seconded by Mooney.

Resolved that the Village Public Services Director is hereby authorized to represent the Village of Beverly Hills with Michigan Department of Environmental Quality and Environmental Protection Agency and to sign NPDES documents per requirements.

Roll Call Vote:

Motion passed (7 – 0).

Motion by Mooney, seconded by Domzal, for a five minute recess at 8:55 p.m.

Motion passed (7 – 0).

The meeting was reconvened at 9:03 p.m.

DISCUSSION ITEM – VILLAGE STATUS REPORT – ACACIA DRAIN DEDICATED MILLAGE

Public Services Director Spallasso and Wally Alix from consulting engineering firm Hubbell, Roth & Clark provided background information on the Acacia Park Drain Relief project beginning with the heavy rainstorms in 1995 that caused basement flooding and sewer backups in the combined sewer areas of the Village. The Village authorized HRC to conduct a study that was completed in 1996, which evaluated regional, interceptor, and local sewer lines in the area and determined the capacity and structural integrity of the pipes.

It was determined that the Acacia Park Interceptor had capacity to transport less than a one year storm event (one inch of rain that occurs in one hour). It is a combined sewer that takes both storm water and sanitary sewage to the retention treatment basin in the Douglas-Evans nature preserve. The study concluded that a parallel relief sewer should be constructed to provide relief to the Acacia Park Interceptor.

Council approved the 1996 Sewer System Study and presented the voters with a ballot question in 1997 to approve 2 mills for 12 years for the purpose of improving sewers and roads on a pay-as-you-go basis. The voters passed the millage, and the Village began implementing the plan immediately by addressing the number one priority, which was critical structural repairs. Necessary improvements were accomplished in 1998 by constructing the Greenfield Relief Sewer, which was entirely financed by the Village. The Garfield Relief Project and the North Arm Relief Drain, both Chapter 20 Drain Commission projects, were constructed in that time range.

The #2 priority, the Amherst Sheridan Relief Sewer, and the catch basin restriction program were completed by the year 2000. HRC was authorized to prepare an Acacia Relief Route Study in 2000, which provided a more comprehensive design study of the sewer location and offered three alternatives. Alix described the alternative route selected, which does not parallel in total the existing Acacia Park sewer.

The next priority item listed in the study is the Acacia Park Relief Sewer, which was estimated to cost the Village \$5.3 million in 1996. In order to save as much money as possible, Beverly Hills

and the City of Birmingham decided to administer, design, and build the project in lieu of proceeding on the basis of an Oakland County Chapter 20 drain project. Birmingham and Beverly Hills entered into an agreement in February of 2001 and selected a route for relief sewers in July of 2001. The apportionment of the cost of the project is 70.21% to be paid by Beverly Hills and 29.79% by the City of Birmingham.

In 2002, a portion of the relief pipes within the 14 Mile Road area were installed as part of the 14 Mile Road reconstruction project performed by the Road Commission for Oakland County. To date, approximately \$2.5 million of the millage money has been spent for projects that are part of the 1996 Sewer System Study recommendations with additional expenditures for necessary improvements outside of the plan. The Acacia project is now in the design stage with construction scheduled to start in late 2003.

Dan Mitchell, engineer with Hubbell, Roth & Clark, reviewed the schedule and costs involved in the Acacia Park Relief Sewer program. The Village is on schedule with the project, which is phased into five major segments. HRC is currently completing the design of Phase A-1, which is the area that starts at the Douglas-Evans nature preserve running eastward to Southfield Road. Easements are being finalized with the residents. HRC plans to bid the project and start construction in September.

Mitchell reviewed an updated cost and projected funding balance sheet. It shows that the advance work on 14 Mile Road was completed last fall in conjunction with the County Road Commission. Each phase will include about a year to design and a year to construct. Construction on Phase A-1 will begin in September at an estimated project cost of \$702,000. Phase A-2 will bring Phase 1 along Southfield Road up to 14 Mile Road (\$923,000). Phase A-3 is the section of Interceptor that extends into Birmingham (\$1,402,000). Phase B runs along Kinross and Bates, which will be complete in the summer or fall of 2007 (\$1,797,000). The total project cost to be shared with Birmingham is estimated at \$9,133,000.

The estimated project cost includes a 30% contingency fee, which consists of engineering costs, testing, soil borings, contract administration, and a 10% number for unforeseen problems during construction. It does not include easements.

The project schedule also indicates that the design of local sewer improvements will begin in approximately 2006 with construction through 2010 if necessary. The 1996 Sewer System Study identified basement flooding and indicated that the parallel relief sewer will need local sewer relief projects within that area. HRC proposes to study the details of local relief when the major portion of the Interceptor project is completed and data is available on how the interceptor is working. All sewer work being accomplished will have an effect on the re-evaluation of the local sewer system and may modify the original plan. Alix noted that the change in the route may result in requiring less local relief sewer construction.

Another chart shows the total estimated project cost specific to Beverly Hills in each fiscal year from 2001 through 2010 as well as noting the initial projects completed between 1998 and 2001. Mitchell reviewed the estimated costs for design and construction of each phase, the anticipated millage proceeds each year, and the balance. It is understood that there would be a shortage at

times, which would be addressed by using money either from the General Fund or Sewer Operating Fund to provide temporary transfers in order to continue the projects.

The report indicates that the Village may be short \$1.5 million to complete local sewer improvements at the end of the dedicated millage period in 2010. Spallasso remarked that this is the worst-case scenario, and the shortfall could be as low as \$500,000-\$700,000. An analysis of needed local sewer improvements will not be made until 2006 when more data is available from the operation of Acacia Park Relief Sewer.

Stearn suggested that Council consider setting aside about \$50,000 each year for eight years so that there will be funding available for local sewer improvements at the end of 2010.

Norm Downey of 23042 Nottingham Drive commented on the local sewer improvement portion of the program. He concurred with the suggestion to start saving money now for this expense.

Jill Sickles of 17171 Kinross had questions about sewer work and disruption on her street. Spallasso answered that the effect of changing the route of the sewer in her area would result in minimum disruption to her property. Sewers on Kinross would be installed in the public right-of-way with no backyard work.

Sharon Tischler of 21415 Virmar Court asked if the size of the parallel sewer will be the same as the existing Acacia Drain or have more capacity. Alix responded that the size is based on what is needed in the specific areas where the sewer reaches. In answer to an inquiry, Tischler was informed that sewer pipe will be installed along the west side of Southfield Road.

PUBLIC COMMENTS

There were no comments from the public.

REPORTS MANAGER

The Villager newsletter has been sent to the printer and should be received by residents before the March 10th Election. Included with the newsletter is the League of Women Voters guide on the candidates and information regarding the pathways millage proposal.

Village staff is researching the possibility of the Village processing passport applications. A number of local communities have initiated this service to residents following the September 11th events.

The Village Hall lobby will serve as a drop-off location during a week-long food drive coordinated by the Food Bank for Oakland County. The food drive is scheduled for the first full week in April.

Downey remarked that a resident has asked him about the status of Gypsy Moth infestation in the community. Pasioka responded that the Village has a contract with a professional who monitors a number of stations throughout the Village and keeps the Village advised as to what needs to be done. If infestation exceeds threshold levels, a spraying program may be necessary. Fortunately,

there is evidence of a fungus that keeps the Gypsy Moth population in check. Murphy added that this is a budgeted item.

COUNCIL

Schmitt stated that the Planning Board is working on two major projects, a 14 Mile Road Corridor Study and a Southfield Road Corridor Study. He encouraged anyone interested in these issues to attend a Planning Board meeting.

Mooney thanked the League of Women Voters for hosting a “Meet the Candidates Night” last evening. It will be broadcast on cable channel 15 daily until the Election.

Domzal also thanked the League of Women Voters for sponsoring the candidates’ forum and for the printed material they distribute. He suggested that absentee ballot procedures be clarified in a simple document in the future to eliminate any confusion on the part of the voters.

Pfeifer stated that she appreciated the update from Hubbell, Roth and Clark on the sewer improvement program. Pfeifer attended a Birmingham Area Seniors Coordinating Council Board meeting this afternoon. BASCC appreciates receiving the funds allocated to it by Beverly Hills. The money has been used to refurbish and refurnish their lobby area.

Stearn expressed the view that infrastructure is the most basic challenge facing this community whether it is water mains, major and local streets, or sewers. The community will have to come together and deal with future shortfalls by prioritizing what the citizens need and what they want.

Downey announced that Village resident Kurt Spencer Garwood has achieved the rank of Eagle Scout.

Downey clarified information on political sign restrictions as outlined in the Village Ordinance. He made comments in support of the Pathways initiative on the March 10 ballot.

Motion by Domzal, seconded by Schmitt, to adjourn the meeting at 10:12 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary